

P.1 INTRODUCTION

The Final Environmental Impact Report (EIR) for the Piraeus Point project (project) has been prepared in accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code Section 21000 et seq.), and the CEQA Guidelines (14 California Code of Regulations, Division 6, Chapter 3). CEQA Guidelines Section 15132 indicates that the contents of a Final EIR shall consist of:

- The Draft EIR or a revision of the Draft EIR;
- Comments and recommendations received on the Draft EIR, either verbatim or in summary;
- A list of persons, organizations, and public agencies commenting on the Draft EIR;
- The responses of the lead agency to significant environmental points raised in the review and consultation process; and
- Any other information added by the lead agency.

The Draft EIR and the Final EIR, along with public comments, will be considered by the City of Encinitas (City) in determining whether to certify the Final EIR and approve the project.

P.2 ORGANIZATION OF THE FINAL EIR

This Final EIR provides the requisite information required under CEQA and is organized as follows:

- **Introduction to the Environmental Analysis.** This section introduces the Final EIR, including the requirements under CEQA, and the organization of the document, as well as a summary of the CEQA process activities to date.
- **Comment Letters and Responses to Comments.** This section lists the public agencies, organizations, and individuals commenting on the Draft EIR, provides a copy of each written comment received, and includes any response required under CEQA.
- **Final EIR.** This section details changes to the Draft EIR in strikeout/underline format.

P.3 CEQA PROCESS SUMMARY

Pursuant to Section 15082 of the CEQA Guidelines, a Notice of Preparation (NOP) was circulated by the California Governor's Office of Planning and Research State Clearinghouse (SCH# 2022050516) to responsible agencies for a 30-day public review period commencing on May 27, 2022.

Written comment letters received during the 30-day NOP public review period are found in EIR Appendix A, Notice of Preparation and Scoping Documents. They include a total of three public agency comment letters, three tribe comment letters, one local organization comment letter, and 44 comment submittals from individuals.

An Initial Study was not required as part of the initial CEQA scoping process for the proposed project because an EIR was determined to be the appropriate environmental document, pursuant to Section 15063 of the State CEQA Guidelines.

A Citizen Participation Program (CPP) public meeting was held for the proposed project on June 7, 2022, from 6:00 p.m. to 9:00 p.m. at Encinitas City Hall (Council Chambers). All property owners and occupants within a 500-foot radius of the project site were mailed a copy of the neighborhood letter and the vicinity map.

The Draft EIR includes an in-depth evaluation of fifteen environmental resource areas and other CEQA-mandated issues (e.g., cumulative impacts, growth-inducing impacts, alternatives, impacts that are less than significant). The environmental issue areas upon which the EIR focuses are aesthetics, air quality, biological resources, cultural resources, energy conservation and climate change, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services and recreation, transportation, tribal cultural resources, utilities and services systems, and wildfire.

The City released the Draft EIR to the public on December 9, 2022, for a 60-day review ending on February 6, 2023. During the public review period, the Draft EIR was available for review on the City's website at www.ci.encinitas.ca.us/I-Want-To/Public-Notices/Development-Services-Public-Notices under "Environmental Notices." Additionally, hard copies were available at the City's Planning Division, 505 S. Vulcan Avenue, Encinitas, California, 92024. Responses were received from one federal agency (US Fish and Wildlife Service); two state agencies [California Department of Transportation (Caltrans); California Department of Fish and Wildlife (CDFW)]; one organizations (Encinitas Community Collective); and 49 individuals (several whom submitted multiple comment letters). Following close of the public review period, one additional letter was received from an organization, and one additional letter was received from an individual.

Comments received on the Draft EIR have been incorporated into the Final EIR document. The City will review and consider the Final EIR. If the City finds that the Final EIR is “adequate and complete,” the City may certify the Final EIR. The rule of adequacy generally holds that the EIR can be certified if it: (1) shows a good faith effort at full disclosure of environmental information; and (2) provides sufficient analysis to allow decisions to be made regarding the project in contemplation of its environmental consequences.

Upon review and consideration of the Final EIR, the City may take action to adopt, revise, or reject the proposed project. A decision to approve the proposed project would be accompanied by written findings (Findings of Fact) in accordance with State CEQA Guidelines Section 15091. Public Resources Code Section 21081.6 also requires lead agencies to adopt a Mitigation Monitoring and Reporting Program (MMRP) to describe measures that have been adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. The Findings of Fact and the MMRP are available under separate cover.

P.4 CHANGES TO THE DRAFT EIR

Changes have been made to the Draft EIR in strikeout/underline format in response to comments and to provide updates and clarifications to information provided herein. Consistent with CEQA Guidelines Section 15088.5(b), these revisions have been made to clarify text for consistency or revise punctuation as appropriate throughout the document, and these revisions do not result in what constitutes new significant information that would require recirculation of the document.

CEQA Guidelines Section 15088.5 describes when an EIR requires recirculation prior to certification, stating in relevant part:

(a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term “information” can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.

(b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

The changes to the Draft EIR described herein clarify or make insignificant changes to an adequate EIR, and do not constitute significant new information, as defined by CEQA Guidelines Section 15088.5. None of the changes or information provided in the comments reflect a new significant environmental impact, a substantial increase in the severity of an environmental impact for which mitigation is not proposed, or a new feasible alternative or mitigation measure that would clearly lessen significant environmental impacts but is not adopted. Therefore, the Draft EIR is not subject to recirculation prior to certification.

The changes to the Draft EIR in response to comments received from the public and agencies have been incorporated into each section of the Final EIR, as appropriate. Text revisions are identified as follows:

- Deletions are indicated by ~~strikeout text~~
- Additions are indicated by underline text

P.5 COMMENT LETTERS AND RESPONSES TO COMMENTS

As stated above, a Draft EIR analyzing the proposed project was prepared and circulated for public review for a 60-day period from December 9, 2022 to February 6, 2023. During that time, the City received comment letters from three federal and/or state agencies; comment letters from one organization; and comment letters from 49 individuals. Following the close of the public review period, the City received one additional letter from an organization and one additional letter from an individual. All comments have each been assigned a numeric label, and the individual comments identified in each written comment letter are bracketed and numbered sequentially.

The City's responses to each comment received on the Draft EIR represent a good-faith, reasoned effort to address the environmental issues identified by the comments. Under the State CEQA Guidelines, the City is not required to respond to all comments on the Draft EIR, but only those comments that raise environmental issues. In accordance with CEQA Guidelines Sections 15088 and 15204, the City has independently evaluated the comments and prepared the attached written responses describing the disposition of any significant environmental issues raised. CEQA does not require the City to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters.

Rather, CEQA requires the City to provide a good faith, reasoned analysis supported by factual information. To fulfill these requirements, the City's experts in planning and environmental sciences consulted with and independently reviewed analysis responding to the Draft EIR comments prepared by Michael Baker International (the City's environmental consultant who

prepared this EIR) and other experts, which include experts in planning, aesthetics, agriculture, air quality, biology, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use planning, noise, public services, transportation and traffic, utilities and service systems, energy, and environmental studies, each of whom has years of educational and field experience in these categories; is familiar with the project and the environmental conditions in the City; and is familiar with the federal, state, and local rules and regulations (including CEQA) applicable to the proposed project. Accordingly, the City staff's final analysis provided in the responses to comments is backed by substantial evidence.

The table below lists those parties that provided written comments on the Draft EIR during the public review period. A copy of each comment letter is provided in this section. Comments provided in each letter have been numbered for ease of reference to the City's corresponding response that follows.

**Comments Received from Public Agencies, Organizations, and Individuals
During Public Review Period (December 9, 2022 to February 6, 2023)**

Letter Number	Organization/Name	Date of Letter
Agencies		
1A	US Fish and Wildlife Service (Curtis L. Taylor)	February 6, 2023
1B	US Fish and Wildlife Service (David Zoutendyk for Jonathan D. Snyder)	February 10, 2023*
2	California Department of Fish and Wildlife (David Mayer)	February 6, 2023
3A	California Dept. of Transportation (Chris Stanley)	January 3, 2023
3B	California Dept. of Transportation (Maurice A. Eaton)	February 6, 2023
Organizations		
4A	Encinitas Community Collective	February 6, 2023
4B	Encinitas Community Collective	February 6, 2023
Individuals		
5	Baxter, Daniel E.	February 5, 2023
6	Bishop, Elizabeth	February 5, 2023
7	Buckalew, Charlene	February 3, 2023
8A	Cameron, Sheila S.	December 8, 2022

Letter Number	Organization/Name	Date of Letter
8B	Cameron, Sheila S.	February 6, 2023
9	Conover, John	February 6, 2023
10	Cox, Jennifer	February 6, 2023
11	Fix, Judy and Gary	February 6, 2023
12A	Garcia, Cheryl	December 18, 2022
12B	Garcia, Cheryl	February 2, 2023
13	Gilkison, Andy	February 5, 2023
14	Gilkison, Janna	February 4, 2023
15	Gutoski, Ray	February 6, 2023
16	Honda, Noren	March 3, 2023
17	Horowitz, Richard	February 5, 2023
18	Howarth, Brian	January 31, 2023
19	Jallos, Yale	February 5, 2023
20	Kaden, Dennis	February 6, 2023
21	Kaden, Karen	February 6, 2023
22	King, Byron	February 6, 2023
23	King, Marianne	February 7, 2023
24	Lasch, Lisa, Donald, and Kelsey	February 6, 2023
25	Levy, Nicholas and Lorraine	January 30, 2023
26	Locko, Sheila	February 6, 2023
27	Matchura, Frank	February 6, 2023
28	Miller, Doug	February 6, 2023
29	Miller, Eliot	December 12, 2022
30	Mitchell, Brenda and John	February 6, 2023
31	Murakso, Michael	February 6, 2023
32	Murtfeldt, Kathryn	February 3, 2023
33	Murtfeldt, Robert	February 3, 2023
34	Nielsen, Rebecca	February 6, 2023
35	O'Donnell, Jim and Cheryl	February 6, 2023
36	Ornelas, Teresa	February 6, 2023

Letter Number	Organization/Name	Date of Letter
37	Pederson, John and Mercedes	February 5, 2023
38	Richer, Terri	February 6, 2023
39	Riggs, Jason	February 2, 2023
40	Rodgers, Patricia	January 29, 2023
41A	Shine, Candice	February 3, 2023
41B	Shine, Candice and Randy (Venier)	February 1, 2023
42	Shoemaker, Susan and Brad	February 5, 2023
43	Shotton, Mark and Sara	February 6, 2023
44	Smith, Kristen L.	February 6, 2023
45	Soland, Peter and Susan	February 5, 2023
46	Thompson, Diane T.	February 6, 2023
47	Trax, Marilyn	February 2, 2023
48	Usher, Mary and Richard	January 31, 2023
49	Venard, Terry	February 6, 2023
50A	Welty, Dolores	February 2, 2023
50B	Welty, Dolores	February 5, 2023
51	Weston, Richard	February 4, 2023
52	Wickett, William H. III	February 6, 2023
53	Wickett, Maryann	February 6, 2023

* Initial comment letter received February 6, 2023 requested an extension until February 10, 2023 to provide written comments.

**Comments Received from Public Agencies, Organizations, and Individuals
Subsequent to Public Review Period (after February 6, 2023)**

Letter Number	Organization/Name	Date of Letter
Agency		
--	No late letters from agencies were received.	--
Organization		
54	YIMBY Law (Sonja Trauss)	February 24, 2023
Individual		
55	Wells, Crystal	February 23, 2023

MASTER RESPONSE 1 – TRANSPORTATION / PARKING / PUBLIC SAFETY

Traffic Delay

The potential for the project- to increase traffic and delays on local roadways and intersections, including relative to Interstate 5 (I-5), was a common comment. Senate Bill (SB) 743 (2013) amended the CEQA Guidelines to exclude level of service (LOS) and auto delay (i.e., “traffic”) when evaluating transportation impacts. SB 743 changed how lead agencies evaluate transportation impacts under CEQA, with the goal of better measuring the actual transportation-related environmental impacts of any given project. These new methodologies were needed to promote the state’s goals of reducing greenhouse gas emissions and traffic-related air pollution, promote the development of a multimodal transportation system, and provide clean, efficient access to destinations. CEQA Guideline Section 15064.3, which implements SB 743, states, generally, “vehicle miles traveled [VMT] is the most appropriate measure of transportation impacts.” As a result, the EIR analyzes the project’s transportation impacts in terms of VMT.

In December 2018, the California Governor’s Office of Planning and Research (OPR) updated and released the Technical Advisory on Evaluating Transportation Impacts in CEQA (Technical Advisory). The Technical Advisory recommends a numeric threshold of significance for residential projects of 15 percent *below* existing VMT per capita. Because the City has not yet adopted significance thresholds which utilize VMT to assess transportation related impacts, the EIR measured VMT impacts against the OPR Technical Advisory threshold. The San Diego regional average VMT per capita is 18.9 miles. Therefore, the significance threshold used to evaluate and identify the project’s VMT related impacts is 16.1 miles.

Based on the SANDAG San Diego region VMT Maps, the project site would generate 23.7 VMT/capita – 7.6 VMT/capita over the regional threshold. As a result, the project proposes transportation demand measures which include implementation of an electric bikeshare program (short-term rentals) and providing community based travel planning (provision of information to new residents on alternative travel modes, transit schedules, etc.) to reduce automobile trips and promote alternative means of circulation. The project has been designed to incorporate an onsite community paseo providing pedestrian connection between the residential uses and the pool/common area, while also providing connection to the offsite sidewalk system. Sidewalks/pathways would be constructed along the onsite drives and along the frontage onto Piraeus Street and Plato Place. These Transportation Demand Management (TDM) measures will result in a VMT decrease of 5.1 percent, reducing VMT per capita to 22.5 miles.

Notably, according to the California Air Pollution Control Officers Association's (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (GHG Handbook), if all TDM measures were fully realized, the project's VMT could be reduced by 33.6%, to 15.7 VMT per capita (below the significance threshold). (See Appendix K). However, the EIR presents a conservative approach because not all reduction measures may be fully realized and certain model parameters may already take some measures into account. Therefore, the project's VMT per capita will likely be reduced below 22.5 miles.

While traffic delay is not considered in evaluating transportation impacts pursuant to CEQA, a Local Transportation Assessment (LTA) was prepared for the project (Intersecting Metrics 2022; available under separate cover) to evaluate project effects on the local transportation network and to recommend potential improvements, as necessary. Based on the analysis provided in the LTA, the project would not have a substantial effect on the operation of any roadways or intersections within the study area identified under the Existing with Project, Near-Term with Project, and Future Year 2035 with Project scenarios. Therefore, no additional roadway or intersection improvements are needed with project implementation to alleviate the project's contribution of vehicular traffic on the local circulation system. The installation of new traffic signals or stop signs, or adjustment to any such existing controls, is not warranted or proposed with the project.

Commenters raised concern over cumulative traffic delays when considering the project in combination with other current and potential development within the area. Such conditions were evaluated in the LTA, and a similar determination that the project would not contribute to a cumulative traffic effect on area roads or intersections was concluded. No offsite roadway or intersection improvements would be required for the project under a cumulative development scenario.

Several commenters noted that under existing conditions, queueing is experienced at a number of intersections in the project vicinity and expressed concern that project-generated traffic would contribute to worsening conditions. Such intersections include, but are not limited to, Piraeus Street/La Costa Avenue and Urania Street/Leucadia Boulevard, in addition to local streets in the vicinity of Capri Elementary School, particularly during peak drop-off and pick-up times. The occurrence of or potential for queueing to occur, resulting in traffic congestion, is not a topic requiring analysis pursuant to CEQA, with exception of possible effects on public safety. Such conditions are already present in the project vicinity. As indicated above, the LTA prepared determined that the project would not degrade the existing level of service of any study area intersections or roadways. Thus, the project is not anticipated to contribute to a substantial increase in queueing effects at locations identified in the comments received.

Comments received also questioned how project traffic would be distributed along local roadways (e.g., whether residents would use certain streets to avoid traffic congestion, access the freeway, etc.). As indicated in the LTA, a trip distribution pattern for the project was derived from the Fox Point Farms Vehicle Operations and Queueing Analysis report, August 2020. The Fox Point Farms project is a mixed use project with 250 dwelling units, located approximately one mile to the southeast of the project site. The Fox Point Farms project conducted a select zone assignment using the SANDAG Series 13 model to determine its trip distribution. Due to their similar uses and close proximity, the select zone assignment conducted for the Fox Point Farms Project was assumed to be a good analog for the project's trip distribution pattern. Additionally, utilizing a similar trip distribution pattern as that assumed for Fox Point Farms will help to maintain consistency between other studies conducted in the area.

Comments provided also addressed congestion at the Piraeus Street/La Costa Avenue intersection and the lack of roadway to accommodate vehicles making a left turn onto La Costa Avenue from Piraeus Street. Commenters suggested that timing of traffic signal at the intersection be adjusted to remain green for a longer period of time, thereby allowing more vehicles on northbound Piraeus Street to turn left. Comments provided also inquired as to whether the City is proposing a streetlight at the intersection of Piraeus Street and Plato Place. As indicated above, the LTA prepared for the project did not conclude that project-generated traffic would result in adverse effects on any local roadway or intersection. The installation of new traffic signals or stop signs, or adjustment to any such existing controls, is not warranted or proposed with the project.

A number of comments received discussed the existing condition of Piraeus Street as being closed at the southern terminus, thereby prohibiting direct connection to roadways to the south, in particular, Leucadia Boulevard and ultimately I-5. At present, such conditions cause traffic to instead navigate through the narrow roads of the neighborhoods, routing traffic through Normandy and Urania, and creating increased traffic congestion and presenting vehicular and pedestrian safety concerns, including for children walking to and from Capri Elementary or parents picking them up. Commenters concerns that the addition of project-generated traffic would only lead to increased congestion and safety issues along these local roadways which commenters indicated do not have the capacity to handle the addition of project-generated traffic. Commenters asked whether the City would consider improving the connection directly to Leucadia Boulevard from southbound Piraeus Street, and potentially improving Piraeus Street to allow for two-way traffic connecting to Leucadia Boulevard to alleviate traffic that otherwise has to travel through the existing local neighborhoods. The City currently has no plans to reopen Piraeus Street.

Public Transit

Commenters also expressed concern regarding increased traffic congestion due to the lack of public transit and shopping within proximity to the project site, which would require project residents to own personal cars, thereby contributing traffic trips to the circulation system. Commenters noted that adding new housing in an area with limited access to public transit was contrary to the City's planning goals, and inquired how the project applicant would improve access to public transit to help alleviate its potential contribution to increased traffic congestion.

As evaluated in EIR Section 3.12, Transportation, access to public transit is available at a distance from the site. There are no transit routes that operate bus stops within the immediate project vicinity. The North County Transit District bus route #304 operates along Leucadia Boulevard/Olivenhain Road between Saxony Road and Rancho Santa Fe Road, approximately 1 mile southeast of the project site. The La Costa Avenue park-and ride facility is located approximately 0.3 miles north of the project site, across La Costa Avenue. The closest major transit station to the project site is the Encinitas Transit Station, located approximately 2 road miles south. The station provides access to NCTD's COASTER (commuter heavy rail) and NCTD bus routes #101, #304, and #309.

The City is not contemplating the provision of new bus service on La Costa Avenue and/or to the train station on Vulcan Avenue from the project vicinity at this time. The project applicant is not required to provide funding for public transportation.

Parking

Another common concern was whether the project as proposed would provide adequate onsite parking that would accommodate all resident and guest parking needs, or whether adverse effects on the surrounding neighborhood would result if parking spilled onto the local streets due to lack of available onsite parking.

As stated in EIR Section 2.3.5, Parking, the project would provide a total of 271 onsite parking spaces. On-site residential parking would be provided in the form of 246 private garage spaces with an additional 25 outdoor shared surface parking spaces proposed adjacent to the onsite pool use/common use area for resident and guest use, as well as along the northern portion of the community.

Parking as proposed would be provided consistent with State Density Bonus Law parking regulations. As calculated, the number of parking spaces required for the residential units totals 198 onsite spaces. As the project proposes a total of 271 onsite parking spaces, the project would exceed State Density Bonus parking requirements by 73 parking spaces available onsite and would be adequate to accommodate future residents and their guests. The potential for

residents or guests to elect to park offsite on local streets is not anticipated and is considered to be speculative.

Additionally, commenters asked how the City would prevent project residents from utilizing neighborhood streets for overnight parking. This is not a CEQA-related issue. As applicable, any on-street parking in the area would be controlled by the City through standard regulations or restrictions, with signage or markings to indicate whether parking is prohibited.

Public Safety

A number of comments received pertain to the lack of existing sidewalks in the project area, and in particular, the lack of sidewalks extending from Piraeus Street to Caudor Street and potential public safety issues for children walking to Capri Elementary School from the project site.

A number of commenters also expressed concern that the City does not implement a Safe Routes to School (SRTS) program, with particular regard to child safety and safe access along bike and pedestrian routes to local schools. The SRTS program is a strategy that improves bicycle and pedestrian travel conditions around schools in order to increase opportunities for students and their families to use active modes of transportation to get to and from school. SRTS is usually divided into two categories - infrastructure and non-Infrastructure. Infrastructure involves engineering design and seeks to improve the physical roadway and surrounding neighborhoods that make walking and biking safer, more comfortable, and more convenient. Non-infrastructure involves encouragement or education which promotes activities that make active modes of travel to school more attractive, fun, and interesting while also teaching skills to do it safely.

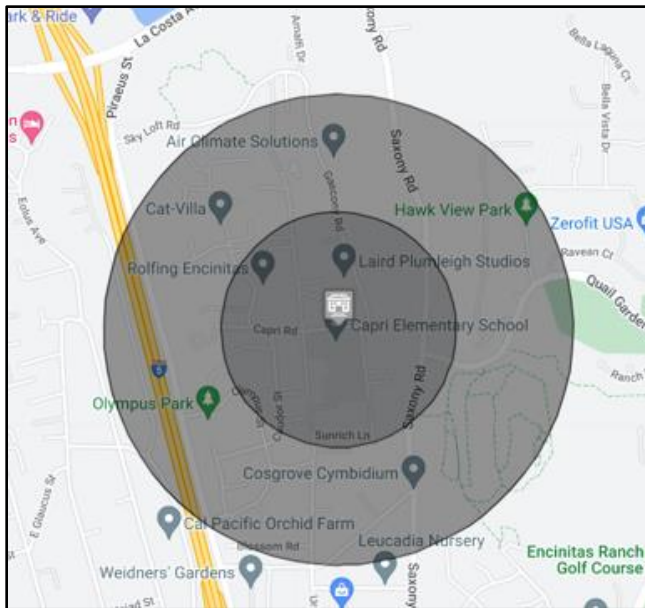
The project would construct approximately 1,100 linear feet of new sidewalk along the project frontage on Piraeus Street and Plato Place. Such sidewalks are intended to facilitate pedestrian movement and enhance pedestrian safety within the existing neighborhood and provide a potential future link to the larger pedestrian circulation system in surrounding neighborhoods. Under current conditions, few sidewalks are present, and therefore, the opportunity to link to other pathways to enhance pedestrian safety and movement in the local neighborhood is limited.

It should be noted that construction of a sidewalk along Plato Place to Caudor Street was analyzed by the project applicant and determined to be infeasible. It was determined that, under existing conditions, insufficient right-of-way width is not available to construct a new sidewalk along the roadway due to various improvements and landscaping that have been installed over the years by private landowners and encroach into the right-of-way. Without disturbing or removing such improvements, construction of a sidewalk cannot feasibly be accommodated within the existing undeveloped ROW area that remains. Therefore, it was determined that provision of a sidewalk along Plato Place to Caudor Street to support local pedestrian movement, including assisting

children in walking safely to/from Capri Elementary School, is currently considered to be infeasible.

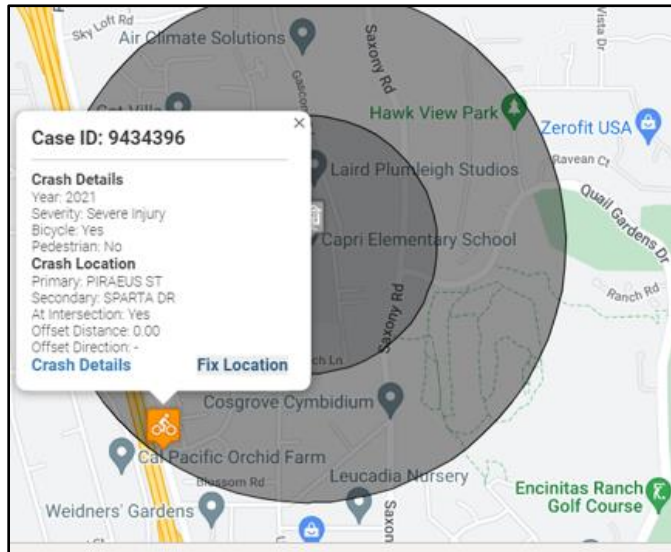
Based on available data, from 2015-2020, zero crash incidents involving a pedestrian or bicyclist were reported within a ½-mile radius of Capri Elementary School. During the same timeframe, no vehicular accidents were reported within a ½-mile radius of the school (Berkeley 2023). For the year 2021, one crash incident involving a bicyclist, and resulting in “severe injury,” was reported at a distance of ½ mile from the elementary school at the intersection of Piraeus Street and Sparta Drive. Such statistics are identified as being “provisional and subject to change” (Berkeley TIMS 2023). Therefore, crash incidents in the vicinity of the school involving pedestrians and bicyclists have historically been very low.

Project implementation would generate additional school-aged children traveling to/from the school on local streets. Assuming that an increase in students or related vehicular traffic would directly correlate to an increase in crash incidents in the vicinity of the school is speculative.



Summary Statistics – Years 2015-2020							
Radius	Fatal	Severe Injury	Visible Injury	Complaint of Pain	Pedestrian	Bicycle	Total
<1/4 mile	0	0	0	0	0	0	0
¼ - ½ mile	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0

Source: UC Berkeley, Transportation Injury Mapping System (TIMS) 2023. <https://tims.berkeley.edu/tools/srts/>



Summary Statistics – Year 2021 ¹							
Radius	Fatal	Severe Injury	Visible Injury	Complaint of Pain	Pedestrian	Bicycle	Total
<1/4 mile	0	0	0	0	0	0	0
¼ - ½ mile	0	1	0	0	0	1	1
Total	0	1	0	0	0	1	1

Source: UC Berkeley, Transportation Injury Mapping System (TIMS) 2023. <https://tims.berkeley.edu/tools/srts/>.

¹ Results indicate that statistics for year 2021 are provisional and subject to change.

As indicated in Section 3.11, Public Services and Recreation, of the EIR, the project is anticipated to generate approximately 106 school aged children that would attend local schools. Due to the distance of the project site to affected middle and high schools (over 3 miles each), only elementary school aged children residing at the project site would be expected to walk to school.

As identified in EIR Section 3.11, of the 106 students, it is estimated that 61 would attend Capri Elementary. Therefore, the number of elementary school aged children residing at the project site and attending the elementary school would not be expected to substantially increase the number of neighborhood children walking to/from the school along local streets, including during peak hour drop-off/pick-up times when safety hazards may increase.

Commenters expressed concern regarding the potential increase in vehicular traffic and congestion generated by the project using area roadways and intersections may result in

decreased public safety for pedestrians, bicyclists, and vehicular passengers. As indicated in Master Response 1, the LTA determined that vehicle trips generated by the project would not substantially degrade the LOS at any affected roadways or intersections within the identified study area, and therefore, the project would not substantially alter existing circulation patterns or conditions experienced that may result in a related decrease in public safety. An increase in traffic does not necessarily directly correlate with an increase in the potential for accidents to occur. The existing roadway system in the project vicinity is rural in nature and may offer narrower roadways or may be restricted when cars are parked along the edge, in combination with limited sidewalks or bike lanes. Such conditions may make bicycle and pedestrian use more difficult or dangerous; however, such conditions are existing and not an effect of the proposed project.

MASTER RESPONSE 2 – SCHOOLS AND UTILITIES/SERVICE SYSTEMS

Schools

A common concern was that the project, in conjunction with other nearby developments, would strain local school resources. Elementary school students living in the project area would attend Capri Elementary School, which is served by the Encinitas Union School District (EUSD). Students in the project area would attend middle school and high school in the San Dieguito Union High School District (SDUHSD).

As disclosed in the EIR, the City's 2018 Housing Element Update (HEU) Environmental Assessment determined that the SDUHSD would have sufficient capacity to accommodate the estimated student generation from full buildout of the HEU, while the EUSD would have a capacity shortfall of an estimated 431 students. As detailed in EIR Section 3.11, Public Services and Recreation, the proposed project is estimated to generate 61 students in the EUSD and 45 students in the SDUHSD, totaling approximately 106 additional students. The HEU Environmental Assessment concluded that the payment of fees pursuant to Government Code Section 53080 or Section 65970 would be considered by State statute to be full and complete mitigation for impacts resulting with development of each of the Housing Element sites, as the payment of fees is intended to ensure adequate school services and space are available. With such measures, it was determined that impacts on school services resulting with buildout of the HEU would be reduced to less than significant.

Commenters also inquired as to whether the City plans to building a new local school to serve students in the area. As stated in the EIR, although the EUSD is currently analyzing future facility expansion options in the 2020 Facilities Master Plan, specifics of any facility expansion are unknown at this time, and are thus considered speculative for purposes of evaluating future impacts of school construction projects. For instance, the EUSD may also consider revising

enrollment boundaries rather than expanding existing school sites or constructing a new school. The district, upon a proposed capital project, would be required to conduct environmental review under CEQA.

The EUSD utilizes its Facilities Master Plan to analyze existing and future needs of the district for the next 10 to 15 years. The EUSD will use the HEU to plan for adequate school facilities. As the project site is included in the HEU, the EUSD will take into account the project's estimated student generation, as well as those of the other HEU projects, when determining potential expansion to accommodate the increase in students.

Another common concern was that the project would substantially increase demands on public services and recreation, potential overburdening such resources. As described in EIR Section 3.11, Public Services and Recreation, the project applicant has coordinated with the relevant agencies serving the project site. Implementation of the project as proposed was determined to result in a less than significant impact on public services, including fire protection, police protection, schools, and parks, as the project would not result in the need for new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives. The applicant would be subject to payment of development impacts fees (e.g., park fees, schools fees, etc.) to ensure that public services remain adequate to serve the project and its residents over the long term.

Utilities and Service Systems

As described in Section 3.14, Utilities and Service Systems, of the EIR, the proposed project would also have a less than significant impact on utilities and service systems, as it would not require or result in the relocation or construction of new or expanded water or wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities. All public utilities and services are adequate and available to serve the project as proposed without overburdening existing facilities or adversely affecting a service providers' ability to serve its existing customers.

As stated in EIR Section 3.14, sewer service to the proposed project would be provided by the Leucadia Wastewater District (LWD). The Preliminary Wastewater Report (see EIR Appendix M) determined that, under existing plus project conditions, no stretches of existing off-site sewer lines affected by the proposed project would exceed the City's replacement criteria. Existing sewer mains would meet the maximum depth and minimum velocity requirements. The Saxony Pump Station, which would accommodate wastewater flows from the project site, was found to be sufficient to accommodate existing wastewater flows plus those anticipated to be generated by the proposed project. The LWD has completed a Project Facility Availability Form stating that the district is expected to be able to serve the project as proposed for the next 5 years (see EIR

Appendix N). As part of the project approval process, the project applicant would be required to provide on-site sewer infrastructure and pay appropriate sewer system connection fees. For these reasons, adequate wastewater services and infrastructure are adequate to serve the development as proposed.

As indicated in EIR section 4.14, Utilities and Service Systems, estimated average daily water demand for the project is anticipated to be 46.6 gallons per minute (gpm) for domestic service, with maximum daily demand reaching 79.2 gpm. As discussed in the San Dieguito Water District's (SDWD) 2020 Urban Water Management Plan, the overall system of the SDWD is adequately sized to accommodate buildout under the City of Encinitas' adopted General Plan. The SDWD has indicated that adequate water service can be provided to the project as proposed; refer to Appendix N of the EIR for the Project Facility Availability Form provided by the SDWD.

As explained in the EIR, as the project is consistent with the City's General Plan and is within the population increase anticipated by the San Diego Water District (SDWD; District) 2020 Urban Water Management Plan (UWMP), it is anticipated that the District's existing facilities would be capable of serving the proposed 149 residential units proposed with the project. The SDWD's 2020 UWMP demonstrates that the district is planning to meet future and existing demands, which include the demand increment associated with the growth forecast.

Additionally, the SDWD will incorporate the proposed project and the cumulative projects identified into their water system hydraulic model to determine potential impacts on the existing water system over time. As with the proposed project, the cumulative projects would also be required to receive a will-serve letter from the SDWD as part of the discretionary review process. The will-serve letter would indicate whether the SDWD is expected to be able to serve the project for the next 5 years. If approved, the cumulative projects would also be included within future UWMP updates so their water use would be considered in the evaluation of service provision for future projects. For these reasons, the project is not anticipated to contribute to a significant cumulative impact related to water supply.

MASTER RESPONSE 3 – NOISE

A common concern was exposure of future project residents to noise from Interstate 5. Freeway noise was analyzed in EIR Section 3.10, Noise, and interior noise levels at on-site residences were estimated to be at or below the City's Noise Compatibility Guideline of 45 dBA L_{dn} . An interior noise assessment is required per City ordinance and will be completed once final architectural plans are available and prior to issuance of the first building permit.

Another common concern relative to noise effects on neighboring land uses due to resident use of the rooftop decks and outdoor common areas. As indicated in EIR Section 3.10, Noise,

mitigation measure NOI-2 would require installation of a minimum 5-foot noise barrier along private rooftop decks and a minimum 8-foot barrier around the on-site common pool area to reduce potential noise effects to less than significant. The barriers would reduce noise generated by occupants of the rooftop decks and common pool area. As stated in Section 30.40.10 of the City's Municipal Code, "Every use shall be so operated that the noise generated does not exceed the following levels at or beyond the lot line and does not exceed the limits of any adjacent zone." According to Section 30.40 of the City's Municipal Code, properties zoned R-2 have a noise limit of 50 dBA between the hours of 7:00 a.m. and 10:00 p.m., and 45 dBA between the hours of 10:00 p.m. and 7:00 a.m.¹ Occupation of any outdoor use areas on the project site would therefore be required to comply with such restrictions. As part of typical operations, it is not anticipated that all rooftop decks would be occupied at the same time, nor that the majority of residents using their decks would generate noise levels that would be objectionable to offsite sensitive receptors. The majority of the rooftop decks would also be distanced from the property lines, thereby reducing potential noise effects on neighboring properties.

Commenters also noted the potential for indirect noise effects on sensitive wildlife species occupying the proposed offsite preserve area to the north. Potential noise effects during operations would be diminished by the northernmost structures onsite which would serve to buffer noise generated by residents or occupied outdoor areas within the development. The project site and preserve area are located adjacent to I-5 which represent a significant source of noise in the area under present conditions. A retaining wall is also proposed along the northern development boundary that would further help to reduce project noise effects. The project would also be subject to all relevant permit conditions relative to noise, as applicable.

The addition of limited noise from residents occupying rooftop decks or outdoor amenity areas is not anticipated to substantially disturb sensitive species within the offsite preserve area or on other adjacent lands. However, as noted above, mitigation measure NOI-2 would require installation of noise barriers along the private rooftop decks and common pool area which would help to reduce noise generated by occupants and potential effects on sensitive wildlife in the vicinity.

¹ Per Municipal Code Section 30.08.010: "R-30 OL: Residential 30 Overlay is intended to provide for compatible high-density multiple family residential development including apartments, condominiums, and senior housing, with a maximum density of 30 units per net acre and a minimum density of 25 units per net acre. The purpose of the R-30 Overlay Zone is to diversify the housing options available in the community, and expand opportunities for creating affordable housing."

MASTER RESPONSE 4 – VISUAL IMPACTS / COMMUNITY CHARACTER

A number of comments expressed concern that the project is not compatible with the character of the surrounding community. Comments also asserted that the project is not in conformance with regulations that are intended to ensure the character of the neighborhood is maintained.

The City of Encinitas General Plan land use and zoning designations for the subject property are Rural Residential 2 (RR-2), with an R-30 overlay covering the project site as part of the City's General Plan Housing Element. Per the R-30 overlay zone that applies to the property, up to 161 residential units could be developed without application of allowances under state Density Bonus laws (5.36 net acres x 30 dwelling units per acre (DU/acre). With the application of a density bonus, the project could support up to 310 homes [(6.88 gross acres x 30 DU/acre) x 1.5 density bonus]. The City's Housing Element Update identifies the project site as having a minimum density of 25 DU/acre. As such, residential development of the site would require a minimum of 134 units (5.26 net acres x 25 minimum DU/acre = 134 units). Therefore, the project as proposed (149 units) is consistent with applicable density allowances.

As stated in EIR Section 2.1, as part of the City's design review process, project design characteristics such as building height, scale, building coverage, roofline, materials, color, and/or bulk would be evaluated as appropriate to ensure that the proposed development does not limit or degrade existing views and that landscaping is used to screen undesirable views.

While the scale, density, and height of the proposed structures, combined with the proposed manufactured slopes and retaining walls, would alter existing views from surrounding public vantage points, the change experienced does not rise to a level of significance because views would not substantially differ from views of other existing land uses in the surrounding viewshed as one travels along I-5.

Commenters also indicated concern that the project as designed and sited would conflict with public views afforded by the scenic visual corridor along I-5 and the Gateway to Encinitas (located just east of the proposed Preserve Area). La Costa Avenue between Highway 101 and El Camino Real is designated as a scenic road. As analyzed in Section 3.1, Aesthetics, of the EIR, the project was determined to have a less than significant impact on designated scenic resources. The project has been designed in conformance with applicable Scenic/Visual Corridor Overlay restrictions and would not have a substantial adverse effect on a designated scenic vista. As shown in the visual simulations prepared and discussed in EIR Section 3.1, the project would not adversely affect scenic views along the La Costa Avenue or I-5 scenic corridors.

Although the project would alter existing views of the subject site, such development would be consistent with the goals and policies defined in the General Plan and HEU. The project site is

included in the City of Encinitas 2013-2021 Housing Element Update. Potential aesthetic impacts related to future development of the project were considered in the environmental analysis for the HEU. As determined in the HEU Environmental Assessment, aesthetic impacts from implementation of the HEU were determined to be less than significant. As indicated in EIR Section 3.1, in approving the City's HEU, the California Coastal Commission determined that development of the site would not impact scenic views.

As indicated in EIR Section 2.1, Project Overview and Location, the project would utilize State Density Bonus Law. Density Bonus Law allows projects to utilize up to three concessions and unlimited waivers. One incentive and one waiver are proposed. Such requests are within State Density Bonus Law allowances, which supersedes local zoning regulations.

Commenters expressed concern as to the effects of the project not undergrounding the existing utility poles onsite, requesting that the incentive allowing the project applicant to avoid this requirement be denied. Commenters also expressed concern as to why the project would be allowed to cut into the steep slopes onsite and exceed encroachment allowances, and necessitating the need for extensive grading/soil hauling and construction of 40-foot high retaining walls. Commenters stated that such natural inland bluffs are an important visual resources for the City and their character should be maintained, consistent with local regulations and General Plan goals and policies.

The incentive requested for the project is the elimination of the City's undergrounding utilities requirement for existing overhead utilities pursuant to Encinitas Municipal Code Section 23.36.120. All of the existing San Diego Gas & Electric utility poles that currently surround the project site are 12 kilovolt and would typically be required to be undergrounded. Although the project would not underground such utilities, the above ground poles are an existing element within the visual setting and not one resulting from the project. The project would not result in a substantial adverse effect on a scenic vista or conflict with applicable zoning and other regulations governing scenic quality in this regard from non-removal of the poles.

The project as proposed would exceed the allowable encroachment into steep slopes pursuant to Encinitas Municipal Code Section 30.34.030 (Hillside/Inland Bluff Overlay Zone). The project would require an approximately 40% encroachment into steep slope areas and therefore requests a waiver to allow for such grading to occur. As stated, such requests are within State Density Bonus Law allowances, which supersedes local zoning regulations. As analyzed in EIR Section 3.1, Aesthetics, project grading to allow for implementation of the project as proposed would not result in a substantial adverse effect on a scenic vista or conflict with applicable zoning and other regulations governing scenic quality in this regard.